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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 11 of Assembly resolution 47/32 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the Secretary-General on the implementation of the programme for the second term (1993-1994) of the Decade (A/48/312), which was introduced by the Deputy to the Under-Secretary-General, at the 31st meeting, on 17 November;

(b) Report of the Secretary-General on the protection of the environment in times of armed conflict (A/48/269) which contained information received from the International Committee of the Red Cross;

(c) Report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law (A/48/435).

4. At its previous session, the General Assembly, in paragraph 1 of its resolution 47/32, had requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-eighth session in accordance with its mandate and methods of work. Pursuant to that resolution, the Sixth Committee, at its 2nd meeting, on 24 September, elected Mr. Sani L. Mohammed (Nigeria) Chairman of the Working Group for the session. The Working Group held six meetings between 6 October and 16 November.

5. At the 31st meeting of the Sixth Committee, on 17 November, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/48/L.9).

6. The Sixth Committee considered the item, as well as the report of the Working Group, at its 31st, 32nd and 38th meetings on 17, 18 and 29 November. The summary records of those meetings contain the views of the representative who spoke during the Committee's consideration of the item (A/C.6/48/SR.31, 32 and 38).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.16

7. At the 38th meeting, on 29 November, the representative of Nigeria introduced a draft resolution entitled "United Nations Decade of International Law (A/C.6/48/L.16), sponsored by Algeria, Argentina, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Colombia, Costa Rica, Cuba, the Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nigeria, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Senegal, Sierra Leone, Slovakia, Spain, Sudan, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Viet Nam, Zaire, Zambia and Zimbabwe, later joined by Chile, Mongolia and the Philippines.

8. The Committee had before it a statement by the Secretary-General on the programme budget implications of the draft resolution (A/C.6/48/L.20).

9. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/48/L.16 without a vote (see para. 11).

10. Statements in explanation of position were made by Sweden (speaking also on behalf of Canada) and the United States of America after the adoption of the draft resolution (see A/C.6/48/SR.38).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 47/32 of 25 November 1992, to which was annexed the programme for the activities for the second term (1993-1994) of the United Nations Decade of International Law,

Expressing its appreciation to the Secretary-General for his reports on the United Nations Decade of International Law, 1/ submitted pursuant to resolution 47/32,

Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth, forty-seventh and forty-eighth sessions to continue its work in accordance with resolutions 45/40 of 28 November 1990, 46/53 of 9 December 1991 and 47/32,

Having considered the report of the Secretary-General 2/ containing information received from the International Committee of the Red Cross on the work of the Group of Experts on the Protection of the Environment in Times of Armed Conflict, conducted under the auspices of the International Committee of the Red Cross, and the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, annexed thereto,

1. Expresses its appreciation to the Sixth Committee and its Working Group on the United Nations Decade of International Law for their work at the current session, and requests the Working Group to continue its work at the forty-ninth session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the second term (1993-1994) of the Decade, including sponsoring conferences on various subjects of international law;

1/ A/48/312, A/48/435.

2/ A/48/269.

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

4. Takes note with appreciation, in this respect, of the International Conference on the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and its Final Declaration adopted on 1 September 1993, as an important means for reaffirming, strengthening and promoting international humanitarian law, and reminds all States of their responsibility to respect and ensure respect for international humanitarian law in order to protect the victims of war;

5. Requests the Secretary-General to submit, on the basis of information received under paragraph 3 of the present resolution, a report to the General Assembly at its forty-ninth session on the implementation of the programme, together with views on possible activities for the next term of the Decade;

6. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification, and to submit it to the General Assembly on an annual basis;

7. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

8. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

9. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 47/32;

10. Decides that a United Nations congress on public international law should be held in 1995, as proposed in part III of the report of the Working Group, 3/ and requests the Secretary-General to proceed with the preparations for the congress and keep the Member States informed of the status of the preparations;

11. Expresses its appreciation of the work carried out by the Group of Experts on the Protection of the Environment in Times of Armed Conflict conducted under the auspices of the International Committee of the Red Cross and of the report prepared by the International Committee of the Red Cross; 4/

12. Invites all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict

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3/ A/C.6/48/L.9.

4/ A/48/269, chap. II.

annexed to the report of the International Committee of the Red Cross and to provide their comments thereon to the International Committee, either directly or through the Secretary-General, no later than 31 March 1994;

13. Welcomes the intention of the International Committee of the Red Cross to draw up a new version of the guidelines for military manuals, taking into account the comments made by States on the report of the Secretary-General 2/ containing information received from the International Committee, and notes that the International Committee is ready to convene, if need be, a meeting of government experts for that purpose;

14. Requests the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, and to submit the information received in the report to be prepared under paragraph 5 of the present resolution to the General Assembly at its forty-ninth session;

15. Decides to include in the provisional agenda of its forty-ninth session the item entitled "United Nations Decade of International Law".